



What does the Land Code mean to me as a Squamish member?

As a Squamish Nation citizen, you will be asked on April the 7th and 8th to vote on the Individual Agreement and the Land Code.

What does that really mean and what are we voting on?

What does the Individual Agreement mean?

What is the Individual Agreement?

The Squamish Nation is party that signed on to a *Framework Agreement on First Nation Land Management* in 1999. This agreement and legislation allows Squamish Nation, **pending membership approval** on April 7th -8th, to take over management and administration of their reserve lands from the Department of Indian Affairs (INAC).

In order to do this, the Nation must enter into an Individual Agreement with the Department of Indian Affairs. This Individual Agreement sets out the specifics of the transfer of management of reserve lands from Canada to the Squamish Nation.

The Individual Agreement for the Squamish Nation is summarized as follows:

- The agreement defines the terms, including identifying the reserve land that will be transferred and lands that will be excluded. Please note that lands in dispute or in negotiation, such as boundary disputes or outstanding lease negotiations, will be excluded for the time being.
- The agreement confirms that Canada has provided the Squamish Nation with all the information in its possession regarding dispositions of reserve lands, environmental issues on reserve lands and any similar information.
- Land interests (existing leases such as Park Royal) and licenses that are recorded in the Indian Land Registry are set out and recognized.
- A list of all Environmental Site Assessments (ESAs), risk assessment and other reports and studies that were conducted with respect to the Nation's reserve lands are described in the agreement. This will ensure that we keep the Federal government on the hook for all the environmental contamination and damages they did over the years like illegal dumping on reserves.

What happens if we approve the Individual transfer agreement?

If members approve the Individual Agreement, it will transfer all of Canada's rights, obligations, powers and authorities in or under all previous interests or licenses (Leases) affecting reserve lands to the Squamish Nation.

- This also includes reference to an environmental action plan that describes actions to be taken by Canada in connection with areas of potential environmental concern and areas of environmental concern that have been identified on Squamish Nation reserve land. **Hence they will have to agree to clean up all the past environmental problems of the past on reserve lands before we take authority over of the reserves.**





If there is a successful approval vote, Canada will transfer the management and control of Squamish Nation reserve lands to the Squamish Nation on the effective date of the Agreement. The Squamish Nation will then begin managing and controlling its lands and natural resources under its Land Code.

Where will we get the money to manage our reserve lands?

Please note that this Agreement obligates Canada to provide the Squamish Nation with funding and resources for managing its reserve lands. Operational funding will commence the month after the Nation's Land Code comes into force and will be calculated in accordance with the operational funding formula in place at that time. Canada is obliged to transfer to the Squamish Nation any moneys it holds in trust for the use and benefit of the Squamish Nation after the Squamish Land Code comes into force.

What about all our existing leases and interest on our lands right now? What happens to them?

If we approve the Agreement, the Squamish Nation is required to notify any non-members and members who hold an interest (Leases, permits etc.) in reserve land that management of reserve lands will be transferred to the Nation.

What about the Environment and how will we protect our land?

The Squamish must develop a Squamish Nation law on Environmental Assessment (EA) as soon as possible. Up until we pass our own law, the Federal EA process will apply.

Can we change the Individual Agreement?

Yes, amendments can be made to the Individual Agreement. ONLY if, they are done in agreement of the parties and any amendment must in writing and executed by authorized representatives of the parties. Furthermore, that a dispute resolution provisions laid out in the *Framework Agreement on First Nation Land Management* and they apply to any disputes between Canada and the Squamish Nation regarding the Individual Agreement.

The Individual Agreement comes into force at the same time as the Land Code.

What is the Land code?

The Land Code sets out the principle components of this newly propose Squamish Nation land management process, but it is not a treaty and does not affect treaty or other constitutional rights of the Squamish Nation.

The *Framework Agreement* provides the option to the Squamish Nation people to decide if they want our Nation to manage our reserve lands outside the *Indian Act*. The option to regain control of reserve land can only be taken with the consent of the Squamish Nation community. Only when the Nation takes control of its lands and resources under the Framework Agreement, shall federal administration of its reserve lands cease under the *Indian Act*.





As a signatory to the *Framework Agreement* and direction from membership, the Squamish Nation exercises our land management option by creating our own Land Code, drafting a community ratification process and entering into a further individual Transfer Agreement with Canada.

The specific steps that we must take, as a Nation are listed below to regain control of our reserve lands:

1. **The Land Code:** A Land Code will be the basic land law of the Squamish Nation and will replace the land management provisions of the Indian Act. The Minister of Indian Affairs and Northern Development will no longer be involved in the management of the Squamish Nation's reserve lands. The Land Code does not have to be approved by the Minister.

The Land Code is drafted by the Squamish Nation with consultation and input from Squamish Membership and provides for the following matters:

- Identifies the reserve lands to be managed by the Squamish Nation (called "First Nation land"),
 - Sets out the general rules and procedures for the use and occupation of these lands by Squamish Nation members and others,
 - Provides financial accountability for revenues from the lands (except oil and gas revenues, which continue under the Indian Oil and Gas Act),
 - Provides the procedures for making and publishing Squamish Nation land laws,
 - Provides conflict of interest rules for the Nation,
 - Provides a community process to develop rules and procedures applicable to land on the breakdown of a marriage,
 - Identifies a dispute resolution process if there is a further conflict,
 - Sets out procedures by which the Nation can grant interests (Leases, permits etc) in land or acquire lands for community purposes,
 - Allows the delegation of land management responsibilities to a Department of Lands/ Director of Lands,
 - Sets out the procedure for amending the Land Code,
 - Deals with any other matter respecting the management of First Nation land.
2. **Community Ratification Process:** In order for the Nation to assume control over our reserve lands, the Land Code and the Individual Transfer Agreement must be ratified by the adult members of the Nation. All members of the Nation who are at least 18 years of age, whether living off-reserve or on-reserve, have the right to vote on the Land Code and the Individual Transfer Agreement. The procedure for the community ratification process is developed by the community in accordance with the *Framework Agreement*.
 3. **Verification:** An independent person selected jointly by the Squamish Nation and Canada, called a Verifier, will confirm that the community ratification process and Land Code are consistent with the *Framework Agreement*. The Verifier will monitor the community ratification process to ensure that the rules are followed.





4. **Transfer of Land Management:** If the community ratifies the Land Code and the Individual Transfer Agreement, control over Nation land and resources is transferred from under the *Indian Act* to the Nation's land laws and administration.

What will happen if we approve the vote?

What about our title to the Land?

Squamish Reserve lands under the *Indian Act* are held by Her Majesty and are set apart for the use and benefit of Squamish Nation. This will not change under the *Individual Agreement and Land code vote*. These lands remain a federal responsibility under section 91(24) of the *Constitution Act, 1867*. In addition, the Nation's land will be protected against surrender for sale.

Please note that the Individual Agreement and the Land Code vote does not apply to our traditional territory and does not affect our inherent title and rights to those lands and waters.

Will we have the legal status and powers to manage our own lands?

The *Framework Agreement* provides the Nation with all the legal status and powers needed to manage and govern our lands and resources. While the Nation will not be able to sell our land, we will be able to lease or develop their lands and resources, subject to any limits imposed by our own community/members in laws and Land Codes.

What will the Land Code and Individual Agreement provide the Squamish Nation?

1. **Law-Making Powers:** Under a Land Code, we will have the power to make laws in respect of the development, conservation, protection, management, use and possession of our reserve lands. **The Land Code does not authorize laws relating to the taxation of real or personal property.**
2. **Land Management:** The *Framework Agreement* provides the Nation with all the powers of an owner in relation to its First Nation Land, except for control over title or the powers to sell it. The Squamish Nation's Council can manage land and resources, as well as revenues from the land and resources, in accordance with our Land Code.
3. **Third Party Interests:** Interests (existing leases and permit holders) in our Nation land that are held by third parties, or by Canada, will continue in effect according to their terms and conditions under a Land Code. No new interests or licenses (Leases/permits ect) may be acquired or granted except in accordance with the Land Code.
4. **Squamish Nation Expropriation:** The Nation will have the power to acquire lands for community purposes upon payment of fair compensation to those who interests are affected.
5. **Accountability:** A Land Code will make provision for the Nation and Council to report to its members and to be accountable for its management of lands, resources and revenues. Hence, if want land management over our reserve lands, we will continue to follow financial rules and accountability to ensure that we do the best job possible.





6. **Marriage Breakdown:** The Nation will finally be able to deal with the rights of spouses to interests in Nation land if their marriage breaks down. This is not currently addressed under the *Indian Act*. The community must, within 12 months of passage of its Land Code, develop and enact rules and procedures on this topic. The new rules and procedures will ensure the equality of women and men.
7. **Registration of Interests:** The main registrar will be that of the Nation. All documents pertaining to land matters of a reserve will be recorded there. However, Canada will maintain a duplicate First Nations Land Register to record all documents respecting interests in the reserve lands of the Nation and other interests in the Nation reserve lands that eventually join the process.

How is the Nation structure going to change if the Land code is a YES vote?

In order to manage our own land the Land Code states that we must create the following bodies, boards, commissions or departments:

1. The **Department of Lands** will be created.
2. The position of **Department Head of Lands** will be established.
3. The position of **Law Clerk** will be established. The **Squamish Laws registry** is established (where the law clerk will work).
4. Council must establish policies and procedures and give directions respecting the acquisition, management and safeguarding of Squamish assets.
5. A **Finance and Audit Committee** (with membership involvement) of the Squamish must be established. The Terms of Reference for this committee is outlined in Schedule D of the Land Code
6. **Conflict of Interest Rules and Guidelines** will be established for all Squamish representatives (Council, managers and committee members).
 - a. Under these rules, a **Reporting Clerk** position will be established (this will be an existing member of the Squamish Nation Administration).
 - b. An office of the **Commissioner** is established.
 - i. This person must be outside and independent of the Nation and can hold inquiries and issue penalties if there is a breach in Conflict of Interest Rules.
 - ii. The Commissioner will uphold the rules on Conflict of Interest and ensure that Chief and Council and other representatives fully understand their fiduciary and other obligations.
7. A **Land Stewardship Authority** will be established consisting of 5 elected members (3 members at large and 2 elected councilors) of the Squamish Nation.
 - a. The Authority will review grants and amendments of leases, natural resource licenses before it goes to Council and the membership.

What protection and assurances do we have as Squamish Nation People?

The preservation of the quantity and quality of existing Squamish Nation lands is a fundamental principle of this process. Some aspects of these principles are summarized below:

- **Taxation and Seizure under Legal Process:** The current tax exemption of reserve lands, and personal property situated on-reserve, will continue under the relevant provisions of the *Indian Act*. **Hence, our tax exemption will not be effected.**





- **Environmental Protection:** The Nation will have the power to make environmental laws which can incorporate our own traditional/cultural stewardship laws if we want. Further agreements are expected between the Nation and Canada for funding and implementing these laws.
- **Voluntary Exchange of Lands:** The Nation may or want to decide that it is advantageous to exchange some of our lands for other lands that better meet our needs. Provisions can be made in our Land Code for a procedure to negotiate and approve such exchanges. However, an exchange of land cannot occur without the consent of the Squamish Nation membership.
- **No Provincial Expropriation:** under the new agreement, there can be any expropriation of Squamish Nation land by a provincial or municipal government or agency.
- **Restricted Federal Expropriation:** Please note that Canada's power to expropriate Squamish Nation land is restricted. That power can only be exercised with Cabinet approval and only when the expropriation is justified and necessary for a federal public purpose that serves the national interest. Compensation must include provision for equivalent lands so that the land base of the Nation is not diminished.
- **Enforcement:** How will the Nation enforce the new laws and jurisdiction that we will acquire? The Nation will have full power to enforce its land and environmental laws and may enter into further agreements with other jurisdictions to assist in such enforcement. The Nation can appoint its own Justice of the Peace to try offences created under a Land Code or a Squamish Nation law, and we can appoint our own prosecutor. Squamish Nation laws may make provision for search and seizure, fines, imprisonment, restitution, community service or alternate means for achieving compliance with its laws.

Will the Federal government have any responsibility after a successful ratification vote?

Canada will remain liable for and will indemnify the Nation for losses suffered as a result of any act or omission by Canada, or its agents, that occurred before the Land Code comes into effect. After that date, the Nation is responsible for its own acts or omissions in managing its lands.

What if there is a dispute after the Code is approved?

The Nation will establish our own processes for dealing with disputes in relations to its lands and resources. These can include mediation, neutral evaluation and arbitration. In the case of a disagreement between the Nations and Canada on the meaning or implementation of the *Framework Agreement*, there are provisions in the *Framework Agreement* to resolve the dispute outside the courts.

What help can we get to assist us in management our lands after the vote?

A Lands Advisory Board Resource Centre has been established to assist First Nations in implementing their own land management regimes, including developing model land codes, laws, documents, agreements and management systems.

